

In The Matter Of:

S. STEVEN MAESE

v.

SOUTH JORDAN CITY

Case No. 2:21-cv-0562-DBB-CMR

Andrew Thompson

March 2, 2022



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S. STEVEN MAESE v.
SOUTH JORDAN CITY

Andrew Thompson
March 2, 2022

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

S. STEVEN MAESE,)
)
Plaintiff,)
) Case No. 2:21-cv-0562-DBB-CMR
vs.)
) District Judge:
SOUTH JORDAN CITY,) Howard C. Nielson, Jr.
OFFICER JOHNNY)
SERRANO, OFFICER) Magistrate Judge:
ANDREW THOMPSON, AND) Cecelia M. Romero
OFFICER DOES 1-10,)
)
Defendants.)

VIDEOCONFERENCE DEPOSITION OF: ANDREW E. THOMPSON

MARCH 2, 2022

2:51 P.M. TO 3:41 P.M.

Witness Location:
1600 West Towne Center Drive
South Jordan, Utah 84095

Reporter: Jill S. Nielsen, RPR, Notary Public

S. STEVEN MAESE v.
SOUTH JORDAN CITY

Andrew Thompson
March 2, 2022

1 APPEARANCES

2 PRO SE:

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6

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18 ALSO PRESENT:

19 Libby Lowther (Appearing via videoconference)

S. STEVEN MAESE v.
SOUTH JORDAN CITY

Andrew Thompson
March 2, 2022

1	INDEX	
2	EXAMINATION OF ANDREW E. THOMPSON:	PAGE
3	By Mr. Maese	4, 33
4	By Mr. Young	31
5	EXHIBITS	
6	NUMBER	INITIAL REFERENCE
7	Exhibit 1	Body Cam Video, Defendants' 6 705 (Retained by Mr. Maese and Mr. Young)
8	Exhibit 2	Defendants' Responses to Maese's Interrogatories and Production of Documents 16
9	Exhibit 3	Defendants' Responses to Maese's Requests for Admissions 17
10	(Exhibits 2 and 3 provided electronically to the court reporter.)	
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

S. STEVEN MAESE v.
SOUTH JORDAN CITY

Andrew Thompson
March 2, 2022

1 P R O C E E D I N G S

2 ANDREW E. THOMPSON,

3 having been first duly sworn to tell the truth,

4 testified as follows:

5 EXAMINATION

6 BY MR. MAESE:

7 Q. Good afternoon.

8 A. **Good afternoon.**

9 Q. Mr. Thompson, would you state your name
10 for the record.

11 A. **Andrew Elton Thompson.**

12 Q. Could you spell that, please.

13 A. **A-n-d-r-e-w E-l-t-o-n T-h-o-m-p-s-o-n.**

14 Q. On September 25, what was your
15 occupation?

16 A. **I was a police officer for South Jordan
17 City.**

18 Q. All right. Do you happen to recall --

19 MR. YOUNG: Do you want to just clarify
20 the year?

21 MR. MAESE: I'm sorry; didn't I say
22 2019?

23 MR. YOUNG: Okay.

24 Q. (BY MR. MAESE) On September 25, 2019,
25 you were a police officer for South Jordan City; is

S. STEVEN MAESE v.
SOUTH JORDAN CITY

Andrew Thompson
March 2, 2022

1 that correct?

2 **A. Yes.**

3 Q. Perfect.

4 Do you happen to recall that evening?

5 **A. Yeah, I recall it.**

6 Q. Okay. Do you recall being called out
7 onto a domestic violence call at 3892 West Coastal
8 Dune Drive?

9 **A. Yes.**

10 Q. Okay. About how long was it between
11 the time you arrived and that you tried to make
12 contact with me?

13 **A. I am not sure.**

14 Q. If I told you that there was a body cam
15 from Officer Johnny Serrano and it shows about 15
16 minutes elapsing between the time that he turned on
17 his video camera and the time that you knocked on the
18 door, would that sound reasonable to you?

19 MR. YOUNG: Objection.

20 **A. Reasonable --**

21 MR. YOUNG: Hold on.

22 The video speaks for itself.

23 You can answer.

24 **A. Reasonable as far as what? I don't
25 know what you're --**

S. STEVEN MAESE v.
SOUTH JORDAN CITY

Andrew Thompson
March 2, 2022

1 Q. (BY MR. MAESE) All right. We'll just
2 show the video if that's -- if that's -- I'm just
3 trying to give a foundation that this is -- this is
4 what happened.

5 A. Okay.

6 MR. MAESE: Scott, can you cue that up
7 to about 15 minutes, 705, and we'll do this as
8 Exhibit 1 to this deposition?

9 MR. YOUNG: Yeah. Just give me one
10 second.

11 MR. MAESE: Thank you.

12 MR. YOUNG: And where do you want me to
13 tee it up to, Steve?

14 MR. MAESE: Just to 15 minutes, 14:45.

15 MR. YOUNG: Sorry; have I shared
16 screen?

17 MR. MAESE: No.

18 MR. YOUNG: My fault. Okay. It's cued
19 up, Defendants' 705 cued up at 14:46.

20 Do you want me to play it, Steve?

21 MR. MAESE: Yeah, go ahead.

22 (The video was played.)

23 MR. MAESE: Okay. You can pause.

24 MR. YOUNG: (Complied.)

25 Q. (BY MR. MAESE) All right,

S. STEVEN MAESE v.
SOUTH JORDAN CITY

Andrew Thompson
March 2, 2022

1 Mr. Thompson. You see in the lower left-hand corner
2 the time stamp is at 14:54. Is that your voice that
3 you hear?

4 **A. Yes, that is my voice.**

5 Q. Okay. Does this seem to be an accurate
6 recollection, then, of -- or an accurate recording of
7 that evening?

8 **A. Sir, I'm not sure what you're asking
9 me, an accurate --**

10 Q. I'm asking, what you're viewing on the
11 screen right now --

12 **A. I can see -- I can see that it says 14
13 minutes and 54 seconds, but what is your question
14 about it?**

15 Q. Does this seem to be an accurate
16 recording --

17 **A. Yes.**

18 Q. -- of that evening?

19 **A. Of this part of the evening, yes.**

20 Q. Right. Up until this point, correct.
21 Up to this point. Not -- not things that happened
22 after this, but --

23 **A. There were things before.**

24 Q. Well, at least not anything -- 14
25 minutes and 54 seconds before. So we do have a

S. STEVEN MAESE v.
SOUTH JORDAN CITY

Andrew Thompson
March 2, 2022

1 recording that is -- if you'd like, we can review the
2 entire recording to make sure that it's accurate.
3 Would you like that?

4 **A. I don't know what you're asking me.**
5 **You asked me a question, and I'm not sure what you**
6 **are asking me, so I don't know how to answer you.**

7 Q. I'm just asking you if it seems to be
8 accurate.

9 **A. This recording?**

10 Q. Correct.

11 **A. Yes.**

12 Q. Thank you.

13 So you arrived on scene at least 15
14 minutes before knocking on the door; is that correct?

15 **A. It was before I knocked on the door.**
16 **How long that was, I don't know.**

17 MR. MAESE: Scott, could you skip to
18 the very beginning of this, please.

19 Q. (BY MR. MAESE) Have you reviewed any
20 documents to prep for today?

21 **A. I've reviewed all the documents. I've**
22 **watched all the video that are -- are possible.**

23 **What I'm trying to tell you, sir, is I**
24 **don't know how long I was on scene before this video**
25 **started. But you're not asking the questions to get**

S. STEVEN MAESE v.
SOUTH JORDAN CITY

Andrew Thompson
March 2, 2022

1 **the correct answers.**

2 Q. Okay. Well, I'm asking you, were you
3 on scene for at least 15 minutes before knocking on
4 the door?

5 **A. I -- I don't know how long I was on
6 scene before I knocked on the door.**

7 Q. Okay. Well, here is the -- here is the
8 video starting at zero, and you saw when we got to
9 14:54. This doesn't include the time it took you to
10 get out of your car and get to this position. I'm
11 assuming that was longer than six seconds.

12 **A. Okay.**

13 Q. So if that's the case, were you on
14 scene for at least 15 minutes before knocking on my
15 door?

16 **A. Yes.**

17 Q. Thank you.

18 In those 15 minutes before knocking on
19 my door, did you observe any indications in the house
20 that someone was in the house?

21 **A. So due to what we had talked about
22 before this scene and the meeting we had with
23 different officers, we were just concerned for safety
24 and who could possibly be in the home due to the
25 circumstances around that as far as, like, you know,**

S. STEVEN MAESE v.
SOUTH JORDAN CITY

Andrew Thompson
March 2, 2022

1 the severity of the crime, your criminal history,
2 some stuff like that.

3 Q. Well, okay. Let's talk about that.

4 That's a good digression.

5 What criminal history did I have at
6 that point?

7 A. There was -- so there was indications
8 of a criminal history as far as there were some
9 filings for domestic assault, weapons charge. We
10 also found, like, an active protective order.

11 Q. So no. So what -- again, let me -- let
12 me ask the question, and please listen to it
13 carefully. I want you to answer the question that
14 I'm asking.

15 A. Yes.

16 Q. What criminal history did I have at
17 that point?

18 MR. YOUNG: Objection. Asked and
19 answered.

20 You can answer again.

21 A. So the criminal history, when I search
22 it, I don't think it looks the way that you're
23 thinking it looks, sir.

24 It will show me every charge that was
25 ever filed against you, whether you were found

S. STEVEN MAESE v.
SOUTH JORDAN CITY

Andrew Thompson
March 2, 2022

1 guilty, whether you disputed those charges or not.
2 It's still part of your criminal history. Even if
3 it's been expunged, it's still in there. It's still
4 seen.

5 Q. (BY MR. MAESE) So -- well, I'm glad
6 you brought this up. What -- what specific program
7 are you talking about? Are you talking about
8 Spillman?

9 A. No. The UCJIC, Utah Criminal Justice
10 Information Center. UCJIC is what it's called.

11 Q. And you're saying that UCJIC contains
12 expunged records?

13 A. Yes. It will show me everything that
14 was ever filed against you, whether that filing is
15 still in the system or has been removed or not. It's
16 still there.

17 Q. Interesting, interesting.

18 A. I agree.

19 Q. Well, I don't think that's accurate. I
20 happen to know that's inaccurate, but . . .

21 A. Okay.

22 Q. What about Spillman? Do you guys use
23 Spillman technology?

24 A. Some of us. At that time, we used
25 Spillman as a -- as a dispatching service. And as

S. STEVEN MAESE v.
SOUTH JORDAN CITY

Andrew Thompson
March 2, 2022

1 **far as our records and stuff like that for**
2 **report-writing was concerned, we use Spillman.**

3 **A lot of us didn't use Spillman to**
4 **search criminal history and stuff like that. It**
5 **didn't work very well.**

6 Q. Did you use Spillman to search criminal
7 histories?

8 A. **Do I or did I?**

9 Q. Did you, correct.

10 A. **No, I do not. I did not use Spillman**
11 **regularly to --**

12 Q. So -- so you would not have -- you
13 would not have looked in Spillman for any records
14 regarding me that evening?

15 A. **So that evening, I did not search you**
16 **at all, sir.**

17 Q. Okay.

18 A. **I did not do any of that.**

19 Q. Okay.

20 A. **I didn't use Spillman at all.**

21 Q. Okay. So then how were you aware of
22 any criminal history I may have if you didn't perform
23 any searches?

24 A. **Because I was told about it.**

25 Q. And who were you told this by?

S. STEVEN MAESE v.
SOUTH JORDAN CITY

Andrew Thompson
March 2, 2022

1 A. It's a good question. I'm not quite
2 sure. When we met before we went to your house, as a
3 group of officers, we discussed kind of the tactical
4 plan and how we were going to approach it.

5 And someone had searched your
6 information and informed the rest of us, but I'm not
7 sure anymore which officer it was. I couldn't
8 recall.

9 Q. So what were you told that was -- that
10 was my criminal history at that point?

11 A. The same thing I told you earlier, that
12 you had domestic assault charges, weapon charges, and
13 there was an active protective order in your name,
14 stuff like that.

15 Q. Was that the entirety that you can
16 remember? Can you remember anything else?

17 A. That's just what I remember off the top
18 of my head.

19 Q. No, it's perfectly reasonable. Two
20 years ago, and at the time, I'm sure you had no
21 reason to make extra note of it.

22 So back to being at the house. In the
23 15 minutes that are documented on that video, at
24 least 15 minutes that you were there in front of my
25 house, did you observe any indications in front of my

S. STEVEN MAESE v.
SOUTH JORDAN CITY

Andrew Thompson
March 2, 2022

1 house -- not record searches, not hearsay from other
2 officers -- did you personally observe anything that
3 would lead you to believe that there was anyone in
4 the house?

5 **A. Sorry; I'm just trying to recall. I**
6 **remember your house was very dark. There wasn't even**
7 **a light on on the porch. I don't think so.**

8 Q. Did you hear any noises?

9 A. **Not until you came down to answer the**
10 **door.**

11 Q. Okay. Perfect. Perfect.

12 All right. So you were told all of
13 this stuff about criminal history at a -- before --
14 where you were doing your tactical planning meeting
15 to get to the house.

16 A. **Okay.**

17 Q. Did you talk quite a bit with the
18 officers that were on scene that night?

19 A. **Yes.**

20 Q. You communicated a lot about the case
21 itself?

22 A. **Yeah. We always communicate on all the**
23 **scenes that we're on.**

24 Q. All right. All right. And does
25 that -- does that hold true for even after you leave

S. STEVEN MAESE v.
SOUTH JORDAN CITY

Andrew Thompson
March 2, 2022

1 the scene? Do you ask about follow-ups of the case
2 and what happens?

3 **A. Follow-ups afterwards?**

4 Q. Yeah. I mean -- yeah. I mean, are
5 there any supplemental narratives that you have to
6 write? Anything you talk about with other officers
7 just to get -- you know, make sure everything is, you
8 know --

9 A. **Typically, when the case is done and**
10 **I've left, I -- I don't ask about it or follow up**
11 **with it or anything like that, unless I was the**
12 **initial officer. That's the only reason that would**
13 **change.**

14 Q. Okay. Were you the initial officer
15 that night?

16 A. **No, I was not.**

17 Q. All right. You were a backup officer?

18 A. **Yes.**

19 Q. All right. Okay. When did you learn
20 that officers who had been in my home had found
21 firearms?

22 A. **Sorry; I'm just going back through my**
23 **recollection because I was the officer who**
24 **transported you back to South Jordan.**

25 **I'm not quite sure. I know I was made**

S. STEVEN MAESE v.
SOUTH JORDAN CITY

Andrew Thompson
March 2, 2022

1 aware of it, but I'm not sure when I was told. I do
2 not recall.

3 Q. Okay. Do you realize that in an
4 interrogatory, a written question to you, you had --
5 you had stated that you learned about officers
6 found firearms in my home before you ever came to my
7 home?

8 A. **Before I came to your home, I knew that
9 there were weapons found in your home?**

10 Q. That's what you wrote. Would you like
11 to see your answer to your interrogatory?

12 A. **I -- sure, I'd love to see it. I don't
13 know what you're talking about.**

14 MR. MAES: Hold on one second, Scott,
15 before you go.

16 Q. (BY MR. MAESE) Have you not been
17 given -- have you not signed off on the answers that
18 you gave to interrogatories?

19 A. **Of course I have. Yes.**

20 Q. Okay. And you answered them and --

21 A. **I'm saying that we -- no one had seen
22 the weapons in your home to know they -- they were in
23 your home because --**

24 Q. Believe me, I totally agree. I've gone
25 over this question, and I was baffled myself by the

S. STEVEN MAESE v.
SOUTH JORDAN CITY

Andrew Thompson
March 2, 2022

1 answer. But I just want to make sure it's there.

2 MR. MAESE: Scott, do you have that at
3 your fingertips, by chance?

4 MR. YOUNG: Yeah. Just give me one
5 second.

6 MR. MAESE: All right. Thank you.

7 MR. YOUNG: Which interrogatory is it?

8 MR. MAESE: I don't know. There were
9 only like three or four. I mean, there weren't that
10 many interrogatories.

11 MR. YOUNG: Let me see if I can find
12 it. I think there were only two. I'll share the
13 screen. You told me if I'm --

14 MR. MAESE: Yeah, there might have been
15 only two.

16 MR. YOUNG: So here's the first one
17 (indicating).

18 MR. MAESE: No, it's the second one.

19 MR. YOUNG: This one (indicating)?

20 MR. MAESE: Yep. No, no, no, no. It
21 wasn't -- well, maybe it was an admission; although,
22 that's --

23 MR. YOUNG: It's a different document.
24 Give me a second. I can pull that up.

25 MR. MAESE: Yeah.

S. STEVEN MAESE v.
SOUTH JORDAN CITY

Andrew Thompson
March 2, 2022

1 MR. YOUNG: Is it this Request for
2 Admission Number 1?

3 MR. MAESE: Yes, it is, it is.

4 Q. (BY MR. MAESE) I'm sorry, I had that
5 mistaken, Mr. Thompson.

6 MR. MAESE: Thank you very much.

7 Q. (BY MR. MAESE) So I asked you to admit
8 that you had heard from other sworn officers that
9 firearms were found home in the Coastal Dune home
10 during the security sweep. You denied that.

14 So I take the answer to that as being,
15 up until the point of this request, you had never
16 heard from other sworn officers that firearms were
17 found in the Coastal Dune home.

21 MR. YOUNG: Objection. Compound,
22 misstates the document and the answer and the source
23 of the answer.

24 You can answer.

25 A. I -- I'm confused as far as your

S. STEVEN MAESE v.
SOUTH JORDAN CITY

Andrew Thompson
March 2, 2022

1 question. What are you asking me? Ask again.

2 I'm -- I'm not sure what you're trying to get an
3 answer to.

4 Q. (BY MR. MAESE) You heard from other
5 officers that firearms were found in my home during
6 the security sweep?

7 A. Yes.

8 Q. Perfect.

9 When did you hear that?

10 A. I am not sure.

11 Q. Mr. Thompson, I understand that you've
12 recently been terminated from South Jordan; is that
13 correct?

14 A. Yes, that is true.

15 Q. What has South Jordan told you is the
16 reason for your termination?

17 A. So the reason that they determined, it
18 was due to misuse of sick leave and not staying in
19 proper contact with my supervisors.

20 Q. By "misuse," does that mean dishonesty?

21 A. No, it does not.

22 Q. Well, please explain to me what -- by
23 "misuse" -- what that means, what "misuse" means.

24 A. Okay. It's a bit of a long story.
25 I'll try and keep it short.

S. STEVEN MAESE v.
SOUTH JORDAN CITY

Andrew Thompson
March 2, 2022

1 Q. We've got an hour and a half.

2 A. Okay.

3 Q. We've got plenty of time.

4 A. So I was injured while attending motor
5 school. And due to the injuries that I had, I could
6 not return to work. And through a whole bunch of
7 other appointments, I was at home and not able to
8 work.

9 And then when I was finally able to
10 return to work and get proper notification from my
11 doctor, I gave that to South Jordan, and they felt
12 that I was home longer than I should have been.

13 That's pretty much it.

14 Q. So they -- again, I'm not asking you to
15 admit or deny anything in regards to this case. I'm
16 sure you're probably appealing it or whatever. But
17 they've told you that they believe that your -- the
18 length of your stay exceeded what the doctor
19 permitted for your actual injury?

20 A. No. They told me -- they told me that
21 that was the reason for firing me.

22 Q. Correct. They told you that the reason
23 they fired you is because they believed you stayed on
24 leave longer than you should have, longer than the
25 doctor said was needed -- necessary?

S. STEVEN MAESE v.
SOUTH JORDAN CITY

Andrew Thompson
March 2, 2022

1 **A. Not longer than the doctor. Longer**
2 **than they felt I should have.**

3 Q. Okay. Longer than they felt was
4 necessary?

5 **A. Yes.**

6 Q. Okay. Perfect.

7 All right. Have you been subject to --

8 MR. MAESE: I'm sorry; did someone say
9 something?

10 MR. YOUNG: No.

11 Q. (BY MR. MAESE) Have you been subject
12 to discipline before regarding honesty?

13 **A. Yes.**

14 Q. Could you please describe that.

15 **A. I'll do my best. It was quite a while**
16 **ago. I'm not even sure the date anymore. I became**
17 **an officer in 2007, and it was a few years after**
18 **that.**

19 I had been going through some rough
20 patches at -- with my home life, and when my
21 supervisor called me, asking me why I was late to
22 work, I tried to come up with an excuse for not
23 responding to work because of the mental situation I
24 was in. And that was construed as dishonesty, and
25 that's what that's all about.

S. STEVEN MAESE v.
SOUTH JORDAN CITY

Andrew Thompson
March 2, 2022

1 Q. Were you placed on any Brady List
2 because of that?

3 A. **Yep. I'm on a Brady List for it, yes.**
4 **The courts all know it. I signed all the documents**
5 **for it.**

6 Q. All right. And was this decision to
7 terminate -- was that -- was the prior discipline
8 taken -- has South Jordan told you that the prior
9 discipline was taken into account when making this
10 decision to terminate you?

11 A. **All of my prior discipline was taken**
12 **into account.**

13 Q. Okay. Including the honesty?

14 A. **All of it.**

15 Q. Okay.

16 A. **Anything that has ever been in my**
17 **disciplinary file, they took that into account.**

18 Q. All right. Before this latest
19 incident, when was the last time you were
20 disciplined?

21 A. **I do not recall exactly, but a few**
22 **years.**

23 Q. Okay.

24 A. **I'm not sure.**

25 Q. So a good period of time?

S. STEVEN MAESE v.
SOUTH JORDAN CITY

Andrew Thompson
March 2, 2022

1 **A. Yes.**

2 Q. Multiple years?

3 **A. Yes.**

4 Q. All right. When you were drafting the
5 warrant for my home --

6 **A. Okay.**

7 Q. -- had you been told that firearms were
8 found in my home by officers doing the security
9 sweep?

10 **A. I do not recall. Honestly, I'm just
11 not sure. When I drafted your warrant, I was sitting
12 in my car right in front of your home, but I'm not
13 sure when I was told that.**

14 Q. Okay. So you submitted that warrant at
15 approximately 6:00 in the morning.

16 **A. Okay.**

17 Q. Okay. And so if you were in your
18 car -- I didn't know you were in your car. Would you
19 have heard that the firearms were found in my home at
20 the station? Do you recall if you were at the
21 station when you first heard?

22 **A. I don't -- I don't recall.**

23 Q. Okay.

24 **A. I'm unsure.**

25 Q. Okay. All right. Have you been

S. STEVEN MAESE v.
SOUTH JORDAN CITY

Andrew Thompson
March 2, 2022

1 trained regarding warrants, and honesty regarding
2 warrants or material omissions in warrants?

3 **A. Of course.**

4 Q. And what have you been trained? What
5 have they taught you?

6 **A. They've taught me lots of stuff, sir.**

7 **You're asking for a lot of --**

8 Q. What have they taught you regarding
9 honesty and material omissions in warrant
10 applications?

11 **A. You are asking me to recall stuff that**
12 **I was taught many years ago, sir.**

13 Q. You're right, I am, because it's
14 something you use in your job regularly, obviously,
15 because you submitted a warrant for -- for my house.
16 So, yes, I am absolutely asking -- and if your answer
17 is you don't recall, you don't remember, that's
18 satisfactory. I can't -- I can't make you remember
19 something.

20 But if you don't remember what your
21 training was regarding lies and material omissions,
22 that's the case, you don't recall.

23 **A. As far as lying in a -- in a -- in a**
24 **warrant or an application for a warrant, the**
25 **affidavit for it, of course you can't lie. Like,**

S. STEVEN MAESE v.
SOUTH JORDAN CITY

Andrew Thompson
March 2, 2022

1 **that's -- that's common knowledge.**

2 Q. Well, why can't you lie? What's the
3 explanation given as to what -- why you can't lie?
4 What does it mean if you lie?

5 **A. Because the judge needs to know the**
6 **truth of the facts so that he can make a good**
7 **determination on the warrant.**

8 Q. Okay. What about material omissions?

9 **A. I -- I don't know.**

10 Q. Okay. That's a fair -- that's a fair
11 enough answer. That's a fair enough answer.

12 Have you ever been disciplined
13 regarding civil rights violations?

14 **A. No, I don't think so.**

15 Q. Are you aware of anybody in the
16 department who's been disciplined for civil rights
17 violations?

18 **A. No. But that's normal. We don't**
19 **really know about other people's discipline very**
20 **often.**

21 Q. Well, I guess it depends on the
22 severity of the discipline?

23 **A. Depends on the severity of the**
24 **discipline, but most of that is kept pretty**
25 **hush-hush.**

S. STEVEN MAESE v.
SOUTH JORDAN CITY

Andrew Thompson
March 2, 2022

1 Q. Is there a policy -- are you aware of a
2 policy with South Jordan PD regarding discipline for
3 civil rights violations?

4 MR. YOUNG: Foundation.

5 You can answer.

6 A. I -- I know there's a policy for it.

7 **What's -- what's your question? Just that I know**
8 **that there's a policy?**

9 Q. (BY MR. MAESE) Yeah. I just -- I
10 don't know if there's a policy. That's why we have
11 these depositions, so we can find these things out.

12 And what is that policy? Just give me
13 a synopsis.

14 A. **I do not know the exact policy.**

15 Q. What is your understanding of the
16 policy?

17 A. **My understanding of the policy?**

18 Q. Correct.

19 A. **That we can't violate people's civil**
20 **rights.**

21 Q. And what are the consequences if do you
22 violate people's civil rights?

23 A. **You would be violating policy and could**
24 **be held, you know, to disciplinary action.**

25 Q. Okay. Were you disciplined for

S. STEVEN MAESE v.
SOUTH JORDAN CITY

Andrew Thompson
March 2, 2022

1 anything that happened on the night of the 25th --

2 **A. No.**

3 Q. -- of 2019?

4 **A. No.**

5 Q. Are you aware of any officer who was
6 disciplined for the anything on the night of the
7 25th -- September 25, 2019?

8 **A. No.**

9 Q. All right. What time did your shift
10 end on the 25th?

11 **A. It would typically have ended at 6 a.m.**

12 Q. Okay. And so do you recall staying
13 after your shift to execute the search warrant?

14 **A. I -- I don't recall. I could have
15 stayed late, but I don't recall if I did or not.**

16 Q. Okay.

17 **A. It's common practice for me to stay
18 after my shift and -- to finish work, whatever it
19 was, so . . .**

20 Q. To finish your assignment on a
21 particular case?

22 **A. Yes.**

23 Q. Okay. Fair enough, fair enough.

24 Q. And would you have -- as soon as you
25 were done executing that search warrant, would you

S. STEVEN MAESE v.
SOUTH JORDAN CITY

Andrew Thompson
March 2, 2022

1 have ended your shift, because it would have been
2 overtime?

3 **A. I -- not necessarily. And I'm -- I**
4 **don't recall.**

5 Q. That's fair enough. That's fair
6 enough.

7 Did you find out that officers had
8 found firearms in my home before you entered my home
9 on the search warrant?

10 **A. I did not enter --**

11 MR. YOUNG: Objection. Asked and
12 answered.

13 You can answer.

14 **A. I did not enter your home on the search**
15 **warrant.**

16 Q. (BY MR. MAESE) Okay. But you were
17 there in front of my house entering the application
18 for the search warrant?

19 **A. Yes.**

20 Q. And did you wait until there was an
21 answer received on the search warrant?

22 **A. What do you mean, "wait"?**

23 Q. So I'm assuming that you did the
24 electronic warrant system. You put it in, and that
25 however long, whether it's 30 seconds or 30 minutes

S. STEVEN MAESE v.
SOUTH JORDAN CITY

Andrew Thompson
March 2, 2022

1 or 30 days, a judge comes back and says yes or no on
2 the warrant.

3 **A. Yes.**

4 Q. Did you wait for that decision on the
5 warrant?

6 **A. Yes.**

7 Q. In front of my house?

8 **A. Yes.**

9 Q. Okay. Why did you -- why were you in
10 front of my house to do the application for the
11 warrant if you didn't actually enter my home on the
12 warrant?

13 **A. Because I was handing it over to
14 detectives who were on scene.**

15 Q. Okay.

16 **A. I had a printer in my car, and they
17 don't.**

18 Q. Okay. That's fair enough. Fair
19 enough.

20 And you don't recall what happened
21 after the warrant was issued?

22 **A. No, I do.**

23 Q. Okay. What happened?

24 **A. I handed the warrant to detectives.**
25 **They went and served the warrant, did their --**

S. STEVEN MAESE v.
SOUTH JORDAN CITY

Andrew Thompson
March 2, 2022

1 **whatever they did, and I left the scene after that.**

2 Q. Did you wait for them to complete their
3 search of my home before you left, or did you just
4 leave once you handed it off?

5 **A. No. I left soon after I handed it to**
6 **them.**

7 Q. Okay. So it's reasonable to believe
8 that you heard that firearms were found in my home
9 before you handed off the search warrant to the
10 detectives?

11 **A. It's possible, but I don't recall.**

12 Q. Okay. All right. Fair enough.

13 MR. MAESE: I think that's it.

14 MR. YOUNG: Okay. Let's take a quick
15 break. I'll see if I've got anything.

16 MR. MAESE: All right. Sounds good.

17 (Recess from 3:21 p.m. to 3:28 p.m.)

18 MR. YOUNG: Okay. Steve, do you have
19 one more?

20 MR. MAESE: I've learned my lesson.
21 Only two out of three.

22 MR. YOUNG: Just giving you a hard
23 time. I have a couple of questions.

24 * * * *
25 * * * *

S. STEVEN MAESE v.
SOUTH JORDAN CITY

Andrew Thompson
March 2, 2022

1 EXAMINATION

2 BY MR. YOUNG:

3 Q. Officer Thompson, do you recall any
4 discussion at the Holiday Oil before you and the
5 other officers go to Mr. Maese's home about whether
6 Mr. Maese possessed firearms?

7 A. Yes, I do.

8 Q. Can you just describe what you remember
9 of that discussion?

10 A. Yes. So I know it was part of, like,
11 the -- the briefing or tactical briefing that we were
12 doing when we were coming up with a plan as far as we
13 talked about his criminal history, protective order,
14 all that kind of stuff that was there.

15 We also talked about the possibility of
16 him possessing weapons. I think that was part of the
17 criminal history search and the background that we
18 did with him. We knew that he had possessed them
19 in the past is what we were -- we were told on
20 scene.

21 Q. Okay. And you remember a few minutes
22 ago Mr. Maese was asking you about items that you
23 include or omit in a search warrant affidavit. Do
24 you recall that?

25 A. Yes, I do.

S. STEVEN MAESE v.
SOUTH JORDAN CITY

Andrew Thompson
March 2, 2022

1 Q. He asked you about material omissions.

2 Is it fair to say that your practice is to include
3 all evidence that's material to whether or not a
4 search warrant should be issued so that a judge can
5 consider everything?

6 **A. Yes, that is true.**

7 Q. Okay.

8 **A. When he asked me the question, I was**
9 kind of confused about how it was asked -- what I was
10 being asked.

11 **When you write a warrant, you have to**
12 **complete -- it's almost like a summary of all the**
13 **facts of finding about the case. Whether it's good**
14 **or bad, you have to include it all in there so the**
15 **judge can make a proper decision.**

16 Q. It's your pattern and practice -- if I
17 tell you the word "material" is essentially important
18 or big facts -- to not omit any important or big
19 facts in a search warrant affidavit?

20 **A. Yes, that is true.**

21 Q. Okay. And you didn't omit any big
22 facts in this case, did you?

23 **A. No, no. I put everything in there I**
24 **had.**

25 MR. YOUNG: Okay. I don't have

S. STEVEN MAESE v.
SOUTH JORDAN CITY

Andrew Thompson
March 2, 2022

1 anything else.

2 MR. MAESE: I do. I have a little
3 redirect.

4 Ready, Jill?

5 THE REPORTER: Ready.

6 MR. MAESE: All right.

7 EXAMINATION

8 BY MR. MAESE:

9 Q. Officer -- or Mr. Thompson?

10 A. **Yes.**

11 Q. You were aware that officers had
12 performed a security sweep on the house? Regardless
13 of what they found, you were aware they were entering
14 my home, correct?

15 A. **No.**

16 Q. When did you learn of that?

17 A. **At some point later in the night. I'm**
18 **not sure when. I -- I took you into custody and left**
19 **before the officers even made that decision to do the**
20 **protective sweep.**

21 Q. Oh, actually, you didn't. There's body
22 cam there. Basically, I don't even know if you made
23 it to your car by the time they did the protective
24 sweep. But maybe you haven't seen that body cam
25 footage yet.

S. STEVEN MAESE v.
SOUTH JORDAN CITY

Andrew Thompson
March 2, 2022

1 **A. I have seen it. I have seen it.**

2 Q. Okay. Well, then why don't we cue that
3 up real quickly just so we can understand what
4 happened.

5 MR. MAESE: Hey, Scott, if you could go
6 back to that 705.

7 MR. YOUNG: Where do you want it cued
8 up, Steve?

9 MR. MAESE: Let's do it at like 16
10 minutes. Or let's do it at like 17 minutes, see what
11 happens there.

12 MR. YOUNG: Sorry; I keep forgetting to
13 share my screen.

14 Okay. Should I start playing it?

15 MR. MAESE: Yeah, go ahead.

16 (The video was played.)

17 MR. MAESE: Sorry, let's cue it to
18 twenty minutes.

19 MR. YOUNG: To what? Twenty minutes?

20 MR. MAESE: Twenty minutes even.

21 (The video was played.)

22 MR. MAESE: Can you pause it for one
23 second, Scott?

24 MR. YOUNG: (Complied.)

25 Q. (BY MR. MAESE) Officer Thompson, did

S. STEVEN MAESE v.
SOUTH JORDAN CITY

Andrew Thompson
March 2, 2022

1 you review this video, which is Officer Serrano's
2 body cam?

3 **A. Yes.**

4 MR. MAESE: Okay. Perfect.

5 Go ahead. Let's keep playing.

6 (The video was played.)

7 MR. MAESE: Okay. Scott, would you
8 pause it here?

9 MR. YOUNG: Sure.

10 Q. (BY MR. MAESE) It looks like I left --
11 you've taken me at about 21 minutes to start -- we
12 start walking to your car. At 21:15 is when it's
13 decided to do the protective sweep.

14 MR. MAESE: Can you fast-forward to the
15 very end of this, Scott? Maybe about 15 seconds
16 before.

17 MR. YOUNG: (Complied.)

18 MR. MAESE: Go ahead.

19 (The video was played.)

20 MR. MAESE: Go ahead and pause there,
21 Scott.

22 MR. YOUNG: (Complied.)

23 Q. (BY MR. MAESE) It looks like the
24 protective sweep is over at 29:17. So were we still
25 in your car -- in your car eight minutes later after

S. STEVEN MAESE v.
SOUTH JORDAN CITY

Andrew Thompson
March 2, 2022

1 you took me from the -- from the front porch?

2 **A. I'm not sure. I'd have to look at**
3 **the video to be certain. I know that we had a**
4 **conversation at the car and looked at videos from**
5 **your phone and stuff like that. I'm not sure when we**
6 **left the scene.**

7 **Q. Well, a minute ago you were very**
8 **confident that we had already left the scene before**
9 **the protective sweep started. Would you care to**
10 **revise your answer?**

11 **A. No, that's not what I said at all.**
12 **Hold on.**

13 **MR. YOUNG: Objection. Misstates**
14 **testimony.**

15 **You can answer, Andrew.**

16 **A. That's not what I stated at all when I**
17 **answered the question.**

18 **Q. (BY MR. MAESE) What did you state?**

19 **A. I said I was not there when they made**
20 **the decision and entered the home, which, by the**
21 **video, I obviously wasn't. We'd already walked**
22 **away.**

23 **Q. Right. And didn't you say that you'd**
24 **already left the scene by the time they --**

25 **A. No. I -- all I said was that I was not**

S. STEVEN MAESE v.
SOUTH JORDAN CITY

Andrew Thompson
March 2, 2022

1 **there when the decision was made.**

2 Q. Okay. That's -- I would agree with
3 that, that you weren't there when the decision was
4 made; however, as you talked about earlier, it is
5 normal practice to keep in communication with
6 officers during an incident, correct?

7 **A. Yes.**

8 Q. That includes not necessarily
9 face-to-face communication but also radio traffic,
10 correct?

11 **A. Yes.**

12 Q. So is it reasonable to believe that you
13 would have been told that officers had successfully
14 completed a protective sweep of the home either on
15 the radio or face to face before you wrote your
16 application?

17 **A. No.**

18 Q. That's not reasonable?

19 **A. I don't -- I don't know when I received
20 that information.**

21 Q. I didn't ask you when you received it.
22 I'm asking you if it's reasonable to believe that
23 that could happen.

24 **A. It could happen.**

25 Q. Okay. It's --

S. STEVEN MAESE v.
SOUTH JORDAN CITY

Andrew Thompson
March 2, 2022

1 **A. I don't know when it did.**

2 Q. Well, I understand you don't -- I
3 understand that for some reason you remember
4 everything else about this incident, but this
5 particular thing you're a little cloudy on.

6 But you previously said that your
7 standard practice is to keep in communication?

8 MR. YOUNG: Objection. Argumentative,
9 misstates testimony.

10 You can answer the question, but
11 the characterization about his memory is
12 inappropriate.

13 Q. (BY MR. MAESE) It's reasonable to
14 believe that, and would you put -- would you put, on
15 a warrant application, that officers had previously
16 searched the home?

17 **A. If I had received that information for**
18 **the warrant? Is that what you're asking?**

19 Q. Correct, before you -- before you wrote
20 the warrant application.

21 **A. If I had that information, in normal**
22 **circumstances -- you're just being hypothetical --**
23 **then, yes, I would have.**

24 Q. Okay. Now, you had actually cleared
25 this warrant before you submitted it with someone at

S. STEVEN MAESE v.
SOUTH JORDAN CITY

Andrew Thompson
March 2, 2022

1 the DA's office, had you not?

2 **A. Yes, I had.**

3 Q. What were the contents of your
4 conversation with her?

5 **A. It was actually very brief.**

6 Q. Okay. What was it?

7 **A. I explained to her that we had a**
8 **domestic assault case, and I had an affidavit she**
9 **wanted -- I needed her to look through, and she**
10 **looked through it. And that was about all I can**
11 **recall. It wasn't very long.**

12 Q. Okay. So she didn't ask you about
13 any -- any omissions, if everything was complete?

14 **A. I -- I don't recall. All I can**
15 **recall is that the conversation we had was very**
16 **brief because I had woken her up in the middle**
17 **of the night. So -- and then she reviewed it and**
18 **sent it back to me, and then I submitted it to a**
19 **judge.**

20 MR. MAESE: All right. I think that's
21 it.

22 MR. YOUNG: One more?

23 MR. MAESE: No, that's it.

24 MR. YOUNG: Give me one second to kind
25 of look through my notes. I want to make sure I

S. STEVEN MAESE v.
SOUTH JORDAN CITY

Andrew Thompson
March 2, 2022

1 don't have any more.

2 MR. MAESE: Okay.

3 (Recess from 3:38 p.m. to 3:41 p.m.)

4 MR. YOUNG: I don't have anything. So
5 we can read and sign and be done.

6 WHEREUPON, the foregoing deposition was
7 concluded at the hour of 3:41 p.m. on March 2, 2022.

8 (Exhibit 2 and Exhibit 3 were marked
9 after the conclusion of the deposition.)

10 * * * *

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S. STEVEN MAESE v.
SOUTH JORDAN CITY

Andrew Thompson
March 2, 2022

1 Case: Maese v. South Jordan City, et al.
2 Date: March 2, 2022
3 Reporter: Jill S. Nielsen, Q&A Reporting, Inc.
1872 South Main Street, Salt Lake City, Utah 84115

4
5 WITNESS CERTIFICATE
6
7

I, ANDREW E. THOMPSON, HEREBY DECLARE UNDER
PENALTY OF PERJURY: That I am the witness referred
to in the transcript; that I have read the transcript
and know the contents thereof; that with these
corrections, I have noted this transcript truly and
accurately reflects my testimony.

PAGE	LINE	CHANGE/CORRECTION	REASON
9	_____	_____	_____
10	_____	_____	_____
11	_____	_____	_____
12	_____	_____	_____
13	_____	_____	_____
14	_____	_____	_____
15	_____	_____	_____
16	_____	_____	_____
17	_____	_____	_____
18	_____	No corrections were made	

19
20 Executed on this _____ day of _____, 2022.
21
22
23
24
25

ANDREW E. THOMPSON

S. STEVEN MAESE v.
SOUTH JORDAN CITY

Andrew Thompson
March 2, 2022

1 REPORTER'S CERTIFICATE

2 I, JILL S. NIELSEN, do hereby certify that I
3 am a Registered Professional Reporter and Notary
4 Public; that previous to the commencement of the
5 examination, the witness was duly sworn by me to
6 testify to the truth.

7 I further certify this deposition was taken
8 in shorthand by me at the time and place herein set
9 forth, and that it was thereafter reduced to
10 typewritten form, and that the foregoing constitutes
11 a true and correct transcript.

12 I further certify that I am not related to,
13 employed by, nor of counsel for any of the parties or
14 attorneys herein, nor otherwise interested in the
15 result of the within action.

16 IN WITNESS WHEREOF, I have hereunto affixed
17 my hand and seal this 10th day of March, 2022.

18
19 My commission expires July 7, 2023.

20
21 
22 _____

23
24 JILL S. NIELSEN, RPR
25

Exhibits	25 4:14,24 27:7	A	24:24 28:17 29:10 37:16 38:15,20	32:18,21
Exhibit 2. Thompson 3:9 40:8	25th 27:1,7,10	A-N-D-R-E-W	applications 24:10	bit 14:17 19:24
Exhibit 3. Thompson 3:11 40:8	29:17 35:24	a.m.	appointments 20:7	body 5:14 33:21,24 35:2
	3	absolutely	approach 13:4 18:13	Brady 22:1,3
1 6:8 18:2	3 40:8	account	approximately 23:15	break 30:15
10th 42:17	30 28:25 29:1	accurate	Argumentative 38:8	briefing 31:11
14 7:12,24	3892 5:7	accurately	arrived 5:11 8:13	brought 11:6
14:45 6:14	3:21 30:17	action	assault 10:9 13:12 39:8	bunch 20:6
14:46 6:19	3:28 30:17	active	assignment 27:20	C
14:54 7:2 9:9	3:38 40:3	actual	assuming 9:11 28:23	call 5:7
15 5:15 6:7,14 8:13 9:3,14,18 13:23,24 35:15	3:41 40:3,7	admission	attending 20:4	called 5:6 11:10 21:21
16 34:9	5	admit	attorneys 42:14	cam 5:14 33:22,24 35:2
17 34:10	54 7:13,25	affidavit	aware 12:21 16:1 25:15	camera 5:17
2	6 27:11	24:25 31:23 32:19	26:1 27:5 33:11,13	car 9:10 23:12,18
2 40:7,8 41:1	6:00 23:15	39:8		29:16 33:23 35:12, 25 36:4
2007 21:17	7	affixed	B	care 36:9
2019 4:22,24 27:3,7	7 42:19	42:16	background	carefully 10:13
2022 40:7 41:1,20 42:17	705 6:7,19 34:6	afternoon	31:17	case 9:13 14:20 15:1,9
2023 42:19	8	agree	backup 15:17	20:15 24:22 27:21
21 35:11	84115 41:2	11:18 16:24 37:2	bad	32:13,22 39:8 41:1
21:15 35:12		ahead	Center	Center 11:10
		6:21 34:15 35:5,18, 20	baffled	CERTIFICATE 41:3 42:1
		Andrew	bad	certify 42:2,7,12
		4:2,11 36:15 41:4, 24	32:14	chance 17:3
		answers	16:25	change 15:13
		9:1 16:17	Basically	
		anymore	33:22	
		13:7 21:16	beginning	
		appealing	8:18	
		20:16	believed	
		application	20:23	
			big	

CHANGE/ CORRECTION	concluded	18:13 33:18	discipline	elapsing
41:8	40:7		21:12 22:7,9,11	5:16
characterization	conclusion		25:19,22,24 26:2	electronic
38:11	40:9	D	disciplined	28:24
charge	confident	DA's	22:20 25:12,16	Elton
10:9,24	36:8	39:1	26:25 27:6	4:11
charges	confused	dark	discussed	employed
11:1 13:12	18:25 32:9	14:6	13:3 18:12	42:13
circumstances	consequences	date	discussion	end
9:25 38:22	26:21	21:16 41:1	31:4,9	27:10 35:15
City	constitutes	day	dishonesty	ended
4:17,25 41:1,2	42:10	41:20 42:17	19:20 21:24	27:11 28:1
civil	construed	days	dispatching	enter
25:13,16 26:3,19, 22	21:24	29:1	11:25	28:10,14 29:11
clarify	contact	decided	disputed	entered
4:19	5:12 19:19	35:13	11:1	28:8 36:20
cleared	contents	decision	doctor	entering
38:24	39:3 41:6	22:6,10 29:4 32:15	20:11,18,25 21:1	28:17 33:13
cloudy	conversation	33:19 36:20 37:1,3	document	entire
38:5	36:4 39:4,15	DECLARE	17:23 18:22	8:2
Coastal	corner	41:4	documented	entirety
5:7 18:9,17	7:1	Defendants'	13:23	13:15
commencement	correct	6:19	documents	essentially
42:4	5:1 7:20 8:10,14	denied	8:20,21 22:4	32:17
commission	9:1 12:9 18:20	18:10	domestic	et al
42:19	19:13 20:22 26:18	deny	5:7 10:9 13:12 39:8	41:1
common	33:14 37:6,10	20:15	door	evening
25:1 27:17	38:19 42:11	department	5:18 8:14,15 9:4,6, 15,19 14:10	5:4 7:7,18,19 12:14,15
communicate	corrections	25:16	drafted	evidence
14:22	41:6,18	depends	23:11	32:3
communicated	counsel	25:21,23	drafting	exact
14:20	42:13	deposition	23:4	26:14
communication	couple	6:8 40:6,9 42:7	Drive	examination
37:5,9 38:7	30:23	depositions	5:8	4:5 31:1 33:7 42:5
complete	courts	26:11	due	exceeded
30:2 32:12 39:13	22:4	describe	9:21,24 19:18 20:5	20:18
completed	crime	21:14 31:8	duty	excuse
37:14	10:1	detectives	4:3 42:5	21:22
Complied	criminal	29:14,24 30:10	Dune	execute
6:24 34:24 35:17, 22	10:1,5,8,16,21	determination	5:8 18:9,17	27:13
Compound	11:2,9 12:4,6,22	25:7		Executed
18:21	13:10 14:13 31:13, 17	determined	E	41:20
concerned	cue	19:17	E-L-T-O-N	executing
9:23 12:2	6:6 34:2,17	digression	4:13	27:25
	cued	10:4	earlier	exhibit
	6:18,19 34:7	disciplinary	13:11 37:4	6:8 40:8
	custody	22:17 26:24		

expires	fingertips	32:13	14:13 31:13,17	indications
42:19	17:3	group	9:19 10:7 13:25	
explain	finish	13:3	5:21 14:25 16:14	information
19:22	27:18,20	guess	36:12	11:10 13:6 37:20
explained	firearms	25:21	Holiday	38:17,21
39:7	15:21 16:6 18:9,11, 16,20 19:5 23:7,19	guilty	31:4	informed
explanation	28:8 30:8 31:6	guys	home	13:6
25:3	fired	11:22	9:24 15:20 16:6,7, 8,9,22,23 18:9,12, 17,19 19:5 20:7,12	initial
expunged	20:23		21:20 23:5,8,12,19	injured
11:3,12	firing		28:8,14 29:11 30:3, 8 31:5 33:14 36:20	injuries
extra	20:21		37:14 38:16	injury
13:21			Honestly	20:5
			23:10	interested
	F		honesty	42:14
face	follow	20:1	21:12 22:13 24:1,9	interesting
37:15	15:10	hand	hour	11:17
face-to-face	follow-ups	42:17	20:1 40:7	interrogatories
37:9	15:1,3	handed	house	16:18 17:10
fact	footage	29:24 30:4,5,9	9:19,20 13:2,22,25	interrogatory
18:19	33:25	handing	14:1,4,6,15 24:15	issued
facts	foregoing	29:13	28:17 29:7,10	29:21 32:4
25:6 32:13,18,19, 22	40:6 42:10	happen	33:12	items
fair	forgetting	4:18 5:4 11:20	hush-hush	31:22
25:10,11 27:23 28:5 29:18 30:12 32:2	34:12	37:23,24	25:25	
fast-forward	form	happened	hypothetical	J
35:14	42:10	6:4 7:21 27:1	38:22	
fault	found	29:20,23 34:4		
6:18	10:10,25 15:20	hear	I	
felt	16:6,9 18:9,17,20	7:3 14:8 18:19 19:9		Jill
20:11 21:2,3	19:5 23:8,19 28:8	heard	33:4 41:2 42:2,24	
file	30:8 33:13	18:8,16 19:4 23:19, 21 30:8	job	
22:17	G	hearsay	24:14	
filed	gave	14:1	Johnny	
10:25 11:14	16:18 20:11	held	5:15	
filings	give	26:24	Jordan	
11:14	6:3,9 17:4,24 26:12	hereunto	4:16,25 15:24	
filings	39:24	42:16	19:12,15 20:11	
10:9	giving	Hey	22:8 26:2 41:1	
finally	30:22	34:5	incident	
20:9	glad	histories	22:19 37:6 38:4	
find	11:5	12:7	include	
17:11 26:11 28:7	good	history	9:9 31:23 32:2,14	
finding	4:7,8 10:4 13:1	10:1,5,8,16,21 11:2	includes	
32:13	22:25 25:6 30:16	12:4,22 13:10	37:8	
			Including	
			22:13	July
			indicating	42:19
			17:17,19	Justice
				11:9

K	light 14:7 List 22:1,3 listen 10:12 long 5:10 8:16,24 9:5 longer 9:11 20:12,24 21:1, 3 looked 12:13 36:4 39:10 lot 12:3 14:20 24:7 lots 24:6 love 16:12 lower 7:1 lying 24:23	make 5:11 8:2 13:21 15:7 17:1 24:18 25:6 32:15 39:25 making 22:9 March 40:7 41:1 42:17 marked 40:8 material 24:2,9,21 25:8 32:1,3,17 means 19:23 meeting 9:22 14:14 memory 38:11 mental 21:23 met 13:2 middle 39:16 minute 36:7 minutes 5:16 6:7,14 7:13,25 8:14 9:3,14,18 13:23,24 28:25 31:21 34:10,18,19, 20 35:11,25 missates 18:22 36:13 38:9 mistaken 18:5 misuse 19:18,20,23 morning 23:15 motor 20:4 Multiple 23:2 Maese's 31:5 Main 41:2	N	officers 9:23 13:3 14:2,18 15:6,20 16:5 18:8, 12,16,19 19:5 23:8 28:7 31:5 33:11,19 37:6,13 38:15 narratives 15:5 necessarily 28:3 37:8 needed 20:25 39:9 Nielsen 41:2 42:2,24 night 14:18 15:15 27:1,6 33:17 39:17 noises 14:8 normal 25:18 37:5 38:21 Notary 42:3 note 13:21 noted 41:6 notes 39:25 notification 20:10 Number 18:2	P
L	Lake 41:2 late 21:21 27:15 latest 22:18 lead 14:3 learn 15:19 33:16 learned 16:5 18:11 30:20 leave 14:25 19:18 20:24 30:4 left 15:10 30:1,3,5 33:18 35:10 36:6,8, 24 left-hand 7:1 length 20:18 lesson 30:20 lie 24:25 25:2,3,4 lies 24:21 life 21:20	M	Object 5:19 10:18 18:21 28:11 36:13 38:8 observe 9:19 13:25 14:2 occupation 4:15 office 39:1 officer 4:16,25 5:15 13:7 15:12,14,17,23 18:11 21:17 27:5 31:3 33:9 34:25 35:1	Objection 5:19 10:18 18:21 28:11 36:13 38:8 observe 9:19 13:25 14:2 occupation 4:15 office 39:1 officer 4:16,25 5:15 13:7 15:12,14,17,23 18:11 21:17 27:5 31:3 33:9 34:25 35:1	PD 26:2 PENALTY 41:5 people's 25:19 26:19,22 Perfect 5:3 14:11 19:8 21:6 35:4 perfectly 13:19 perform 12:22 performed 33:12

period	prep	read	regularly	satisfactory
22:25	8:20	40:5 41:5	12:11 24:14	24:18
PERJURY	pretty	Ready	related	scene
41:5	20:13 25:24	33:4,5	42:12	8:13,24 9:3,6,14,22
permitted	previous	real	remember	14:18 15:1 29:14
20:19	42:4	34:3	13:16,17 14:6	30:1 31:20 36:6,8,
personally	previously	realize	21 38:3	24
14:2	38:6,15	16:3	scenes	
phone	printer	reason	14:23	
36:5	29:16	13:21 15:12 19:16,	school	
place	prior	17 20:21,22 38:3	20:5	
42:8	22:7,8,11	41:8	Scott	
plan	Professional	reasonable	6:6 8:17 16:14 17:2	
13:4 31:12	42:3	5:18,20,24 13:19	34:5,23 35:7,15,21	
planning	program	30:7 37:12,18,22	screen	
14:14	11:6	38:13	6:16 7:11 17:13	
play	proper	recall	34:13	
6:20	19:19 20:10 32:15	4:18 5:4,5,6 13:8	seal	
played	protective	14:5 16:2 22:21	42:17	
6:22 34:16,21 35:6,	10:10 13:13 31:13	23:10,20,22 24:11,	search	
19	33:20,23 35:13,24	17,22 27:12,14,15	10:21 12:4,6,15	
playing	36:9 37:14	28:4 29:20 30:11	27:13,25 28:9,14,	
34:14 35:5	Public	31:3,24 39:11,14,	18,21 30:3,9 31:17,	
plenty	42:4	15	23 32:4,19	
20:3	pull	received	searched	
point	17:24	28:21 37:19,21	13:5 38:16	
7:20,21 10:6,17	put	38:17	searches	
13:10 18:15 33:17	28:24 32:23 38:14	recently	12:23 14:1	
police	<hr/>	19:12	searching	
4:16,25	Q	recess	18:19	
policy	Q&a	30:17 40:3	seconds	
26:1,2,6,8,10,12,14,	41:2	recollection	7:13,25 9:11 28:25	
16,17,23	question	7:6 15:23	35:15	
porch	7:13 8:5 10:12,13	record	security	
14:7 36:1	13:1 16:4,25 19:1	4:10 14:1	18:10 19:6 23:8	
position	26:7 32:8 36:17	recording	33:12	
9:10	38:10	7:6,16 8:1,2,9	September	
possessed	questions	records	4:14,24 27:7	
31:6,18	8:25 30:23	11:12 12:1,13	Serrano	
possessing	quick	redirect	5:15	
31:16	30:14	33:3	Serrano's	
possibility	quickly	reduced	35:1	
31:15	34:3	42:9	served	
possibly	<hr/>	referred	29:25	
9:24	R	41:5	service	
practice	radio	reflects	11:25	
27:17 32:2,16 37:5	37:9,15	41:7	set	
38:7	Registered	42:3	42:8	

severity	Spillman	supplemental	13:11 38:5	typically
10:1 25:22,23	11:8,22,23,25 12:2,	15:5	things	15:9 27:11
share	3,6,10,13,20	sweep	7:21,23 26:11	
17:12 34:13	stamp	18:10 19:6 23:9	thinking	U
shared	7:2	33:12,20,24 35:13,	10:23	
6:15	standard	24 36:9 37:14	Thompson	UCJIC
shift	38:7	sworn	4:2,9,11 7:1 18:5,	11:9,10,11
27:9,13,18 28:1	start	4:3 18:8,16 42:5	11 19:11 31:3 33:9	understand
short	34:14 35:11,12	synopsis	34:25 41:4,24	19:11 34:3 38:2,3
19:25	started	26:13	time	understanding
shorthand	8:25 36:9	system	5:11,16,17 7:2 9:9	26:15,17
42:8	starting	11:15 28:24	11:24 13:20 20:3	unsure
show	9:8		22:19,25 27:9	23:24
6:2 10:24 11:13	state	T	30:23 33:23 36:24	Utah
shows	4:9 36:18	T-H-O-M-P-S-O-N	42:8	11:9 41:2
5:15	stated	4:13	today	
sick	16:5 36:16	tactical	8:20	V
19:18	station	13:3 14:14 31:11	told	
sign	23:20,21	talk	5:14 12:24,25 13:9,	video
40:5	stay	10:3 14:17 15:6	11 14:12 16:1	5:17,22 6:2,22
signed	20:18 27:17	talked	17:13 19:15 20:17,	8:22,24 9:8 13:23
16:17 22:4	stayed	9:21 31:13,15 37:4	20:22 22:8 23:7,13	34:16,21 35:1,6,19
sir	20:23 27:15	talking	31:19 37:13	36:3,21
7:8 8:23 10:23	staying	11:7 16:13	top	videos
12:16 24:6,12	Steve	taught	13:17	36:4
sitting	6:13,20 30:18 34:8	24:5,6,8,12	totally	viewing
23:11	story	technology	16:24	7:10
situation	19:24	11:23	traffic	violate
21:23	Street	tee	37:9	26:19,22
skip	41:2	6:13	trained	violating
8:17	stuff	telling	24:1,4	26:23
sound	10:2 12:1,4 13:14	18:18	training	violations
5:18	14:13 24:6,11	terminate	24:21	25:13,17 26:3
Sounds	31:14 36:5	22:7,10	transcript	violence
30:16	subject	terminated	41:5,6 42:11	5:7
source	21:7,11	19:12	transported	voice
18:22	submitted	termination	15:24	7:2,4
South	23:14 24:15 38:25	19:16	true	
4:16,25 15:24	39:18	testified	14:25 19:14 32:6,	W
19:12,15 20:11	successfully	4:4	20 42:11	
22:8 26:2 41:1,2	37:13	testify	truth	
speaks	summary	42:6	4:3 25:6 42:6	wait
5:22	32:12	testimony	turned	28:20,22 29:4 30:2
specific	supervisor	36:14 38:9 41:7	5:16	walked
11:6	21:21	thereof	twenty	36:21
spell	supervisors	41:6	34:18,19,20	walking
4:12	19:19	thing	typewritten	35:12
			42:10	wanted
				39:9

warrant 23:5,11,14 24:9,15, 24 25:7 27:13,25 28:9,15,18,21,24 29:2,5,11,12,21,24, 25 30:9 31:23 32:4, 11,19 38:15,18,20, 25	24 35:9,17,22 36:13 38:8 39:22, 24 40:4
warrants 24:1,2	
watched 8:22	
weapon 13:12	
weapons 10:9 16:9,22 31:16	
West 5:7	
WHEREOF 42:16	
woken 39:16	
word 32:17	
work 12:5 20:6,8,10 21:22,23 27:18	
write 15:6 32:11	
written 16:4	
wrote 16:10 37:15 38:19	
<hr/> Y <hr/>	
year 4:20	
years 13:20 21:17 22:22 23:2 24:12	
YOUNG 4:19,23 5:19,21 6:9,12,15,18,24 10:18 17:4,7,11,16, 19,23 18:1,21 21:10 26:4 28:11 30:14,18,22 31:2 32:25 34:7,12,19,	